

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
FINAL POLLUTION REPORT**

**I. HEADING**

**Date:** December 7, 2006

**From:** Kevin M. Matheis, On-Scene-Coordinator  
U.S. EPA Region II



**To:**

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**Subject:** Kraus Enterprises - 20 Isabelle Street, Buffalo, NY. Site buildings in poor conditions containing over 2,000 containers of various maintenance chemicals. Site contained paints, solvents, oil, corrosive detergents, and asbestos from piping.

**POLREP NO:** Eleven (11) and Final

**II. BACKGROUND**

**SITE/SPILL NO.:** 02WL  
**RESPONSE AUTHORITY:** CERCLA/SARA  
**NPL STATUS:** Non-NPL  
**RESPONSE TYPE:** Emergency  
**CERCLIS ID:** NYO000201939  
**REMOVAL START DATE:** June 10, 2005  
**COMPLETION DATE:** December 7, 2006  
**INCIDENT CATEGORY:** Removal Action

**III. RESPONSE INFORMATION**

**A. Situation**

In December 2004, the New York State Department of Environmental Conservation (NYSDEC) requested that EPA evaluate the Kraus Enterprise Site for a Superfund removal action. In the referral request, the NYSDEC informed EPA that the vacated Kraus Enterprise warehouse contained an estimated 1,000 or more abandoned containers of paints, solvents, petroleum, and unknown materials which were observed in varying sizes (pints, 1-5-30-55 gallon cans/drums) and stages of deterioration. During the course of the EPA-funded removal action, the total number of containers was found to be more than 5,000. In addition, the site contained over 10,000 linear feet of asbestos-wrapped piping.

The Site consists of a former industrial building which was subdivided into approximately 50 tenant spaces and rented for storage and industrial use. The Site is owned by William P. Kraus, Sr., d/b/a Kraus Enterprise. Mr. Kraus filed personal bankruptcy in January 2004. The warehouse operated until April 2004 when Mr. Kraus notified the approximately 21 tenants that he was abandoning the property. Mr. Kraus also defaulted on his loan relating to the Site. In July and August 2004, the City of Buffalo Housing Court ordered all remaining tenants of the building to vacate the property due to the unsafe conditions in the building, which included a partially collapsed roofs, holes in the exterior walls and broken windows. From August 2004 to May 2005, former tenants vacated the property, and may have abandoned chemicals that remained in their rented spaces.

EPA has previously performed a removal action within a portion of the Site. The Aryl Corp. Superfund Site (Aryl Site) consists of a portion of the Site where Aryl Corp., a defunct former Kraus Enterprise tenant, had abandoned numerous containers of hazardous substances. EPA began its removal action at the Aryl Site in December 2003. On December 14, 2004, EPA accompanied the NYSDEC to the Aryl Site for the purpose of reviewing the removal action that was conducted by EPA. At that time, in response to the deteriorating conditions of the abandoned Kraus Enterprise property, a joint inspection of Kraus Enterprise was conducted, resulting in the NYSDEC referral request.

The Site is located in a mixed commercial and residential area in the Riverside section of the City of Buffalo, Erie County, New York. Isabelle Street runs along the northwest edge of the Site and Crowley Avenue borders the southwest edge of the Site. Bordering the Site along the eastern edge is a commercial rail-line. The Site is one block east/southeast of Ontario Ave., a main commercial street within the Riverside section of Buffalo. Both Isabelle and Crowley contain residential properties directly across from the Site. There are approximately 7,399 persons comprising 3,353 households within a ½ mile radius of the Site, and approximately 30% of those persons are aged 17 or younger, and approximately 14% are aged 60 and older.

The Site property is approximately 8 acres in size and the site building covers most of the property. These interconnected buildings include former warehouse tenant spaces. These tenants used portions of the building for various manufacturing operations and warehouse storage.

EPA prepared an Action Memorandum that was signed by EPA's Emergency and Remedial Response Division Director on May 23, 2005. This Action Memorandum authorized the cleanup work to be implemented. On March 21, 2006, the Division Director authorized a Change in Scope and Ceiling Increase Action Memorandum. The revised Action Memorandum was necessary due to the amount of containers within the building and the amount of asbestos abatement/stabilization required for the cleanup at the site.

#### **B. Actions Taken**

1. A recent fence inspection by EPA showed a hole in the fence in the front of the site buildings along Crowley Street. The fence was repaired on December 4 by ERRS fencing subcontractor. Follow-up inspection of fence showed repairs were satisfactorily completed and the removal action is now completed.

2. The final three drums of oil-contaminated solids were shipped off-site on September 28, 2006. This shipment was the final waste shipment from the site.
3. Site perimeter has been fenced and entry areas secured. OSC met with Buffalo Fire Department and gave a tour of the building to inspectors and chiefs.
4. Site trailers were demobilized and site security was discontinued as of September 28, 2006.
5. Asbestos abatement and encapsulation has been completed in the site buildings. A total of 6,800 linear feet of piping has been abated. The asbestos was contained within 1,252 bags and shipped off-site for disposal at Allied Waste, located in Niagara Falls, New York. The asbestos that was not abated was encapsulated. A total of 3,445 linear feet of asbestos was encapsulated and left in place.
6. Drums of waste chemicals, laboratory chemicals, PCB light ballasts, PCB transformers and fluorescent and metal halide lights have been shipped off-site. Waste disposition table in Section V of this POLREP provides a waste summary.
7. Two 15,000 gallon capacity USTs have been found on-site and contents removed. One of the tanks contained water, the other contained an oil/water mixture. Due to accessibility problems, the tanks were not rinsed and were covered, pending removal in the future. Removal of the tanks is impractical due to the proximity to buildings and limited equipment access.
8. Asbestos abatement monitoring by third party monitor has shown that during the entire abatement actions, EPA was well within the asbestos abatement action level guidelines for particulates and asbestos.
9. Waste debris shipments were completed from within the site buildings. A total of 809 tons of debris was shipped to Allied Waste, located in Niagara Falls, New York.
10. EPA has sent 104(e) Request for Information Letters to former tenants and owners of the site buildings. This information gathering is necessary to determine if viable PRPs exist at the site and to what extent liability would be assigned.

**C. Future Actions**

1. None.

**D. Key Issues -- None**

IV. COST INFORMATION: As of 12/07/06

Site Ceiling as of 12/07/06			
	Total Ceiling	Costs to Date	Amount Remaining
WRS	\$ 1,417,000	\$ 1,400,000	\$ 17,000
RST (Weston Solutions)	\$ 60,000	\$ 40,000	\$ 20,000
EPA	\$ 100,000	\$ 95,000	\$ 5,000
Totals	\$1,577,000	\$ 1,535,000	\$ 42,000

The costs above reflect the amounts obligated to the project at this time but do not reflect the entire site ceiling amounts. If additional funding is necessary, the totals will be adjusted accordingly.

The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data, which the OSC must rely upon, may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

V. Disposition of Wastes

**Waste/Disposition Table**

Waste type/location	EPA Waste Codes	Quantity	Disposal Facility	Treatment Method
Bagged asbestos	None	3 trucks - 15 tons (approx 60 cubic yards)	Allied Waste Services, Niagara Falls, NY	Landfill
Site debris	None	88 trucks - 809 tons	Allied Waste Services, Niagara Falls, NY	Landfill
Waste Paint-related material	D001, D008, D039	9 cubic yard boxes of paint containers	Chemtron Corp., Avon Ohio	Fuels blending and incineration
Bulked Waste Oil	None	1,155 gallons	Chemtron, Corp., Avon Ohio	Recycle
Drums of various chemicals	D001, D002, D039	28 drums containing 1,500 gallons	Chemtron Corp., Avon Ohio	Treatment, solvent recovery, fuels blending, incineration and landfill
PCB Ballasts	None	10 drums containing ~ 4,000 lbs	Chemtron Corp., Avon Ohio	Landfill
PCB electrical transformers	None	7 units	Chemtron Corp., Avon Ohio	Treatment, incineration and recycle
Fluorescent / Metal halide light bulbs	Universal Waste	4 cubic yard boxes	Chemtron Corp., Avon Ohio	Recycle
Laboratory Chemicals packed according to hazard class	D001,D002, D006, D039	68 containers ~ 3,700 gallons	Chemtron Corp., Avon Ohio	Treatment, stabilization, landfill
Tires	None	14 tons ~ 1,000 tires	Modern Disposal, Model City, NY	Recycle and/or landfill